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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

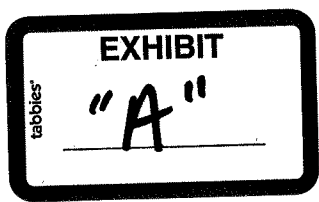
ALLEN DOUGLAS HALE, III,
Plaintiff,

VERSUS CIVIL ACTION NO: 1:16-cv-113-LG-RHW

CITY OF BILOXI, MISSISSIPPI;
KENNETH GARNER, Individually;
DARREN LEA, Individually; and
JOHN AND JANE DOES 2-10,
Individually,
Defendants.

DEPOSITION OF MICHAEL SHAW

Taken at Biloxi Public Safety Building,
170 Porter Avenue, Biloxi, Mississippi,
on Tuesday, April 4, 2017, beginning
at 11:09 a.m.



1 A. Correct.

2 Q. All right. And, ultimately, did a judge
3 approve and issue an arrest warrant for Doug Hale?

4 A. That's correct.

5 Q. And did a judge approve and issue an
6 arrest warrant for Nadine Tozer?

7 A. That's correct.

8 Q. And what judge was that?

9 A. According to the signatures, Bruce
10 Strong.

11 Q. Do you remember or can you state for the
12 record the day that the arrest warrant was issued?

13 A. 2 March 2015.

14 Q. Okay. So that would have been the same
15 day that you made the affidavit for the arrest
16 warrant; correct?

17 A. Correct.

18 Q. What is the Biloxi Police Department
19 protocol when an arrest warrant is issued for a
20 suspect in a case -- in a felony case? And I'll
21 use this term, a minor felony. What I mean by
22 that is I'm excluding murder, sexual battery,
23 rape, child crimes, things like that. What is the
24 protocol on a case such as this for unauthorized
25 use of a credit card or debit card? How does it

1 A. After the warrant, telephone.

2 Q. Well, let me ask you this: How long
3 after the warrant was issued? When did you have
4 telephonic contact with him?

5 A. How long after?

6 Q. Or basically when did you have
7 telephonic contact with him post issuance of the
8 arrest warrant?

9 A. The day of the arrest warrant.

10 Q. The day of the arrest warrant?

11 A. Uh-huh.

12 Q. Okay. Did you call him, or did he call
13 you?

14 A. I think one of each.

15 Q. So you talked to him twice?

16 A. I talked to him numerous times.

17 Q. Okay. But I'm talking about when you
18 talked to him post arrest warrant.

19 A. Correct, numerous times.

20 Q. I asked you when did you have contact
21 with him, so you're saying numerous times? Let me
22 rephrase.

23 A. From the day on.

24 Q. Say that one more time.

25 A. I talked to him the day of issue and the

1 days following.

2 Q. And when you say "the days following,"
3 what days are you referring to?

4 A. That week specifically, that was a
5 Monday, the 2nd. I would say probably through the
6 3rd, 4th, and then I can't be specific from that
7 point until the day of the arrest. It was a lot
8 of times, a lot of conversations with a lot of
9 people.

10 Q. What other people were you talking to?

11 A. I spoke to several people. I spoke to
12 Ms. Clark several times. I spoke to several
13 people calling from the trailer park who was aware
14 that Hale was being looked for for these warrants.

15 Q. That who was being looked for?

16 A. Mr. Hale.

17 Q. Okay.

18 A. Several people called me via dispatch.
19 They would patch them through to me; I've got
20 somebody wanting to talk to you in reference to a
21 warrant. Well, that could be numerous cases, but
22 in the back of the trailer park, Mazalea.

23 Q. What phone number did you use whenever
24 you talked to Doug?

25 A. I don't recall which phone number I

1 any, did you have with Doug?

2 A. Spoke to him on Wednesday, whatever date
3 that was, Wednesday before.

4 Q. Before the arrest warrant was issued?

5 A. Arrest warrant was issued on Monday.

6 Q. Did you speak to him in person or on the
7 phone?

8 A. In person.

9 Q. Where was that?

10 A. Mazalea Trailer Park, in the office.

11 Q. Inside or outside?

12 A. Both.

13 Q. And who else was present?

14 A. At the time, Ms. Clark, the witness in
15 the case. As far as any other people inside there
16 coming and going, that's why I asked him to step
17 outside, because I didn't want to spread his
18 information out to everybody. And I spoke to him
19 just outside the door.

20 Q. What did y'all discuss?

21 A. Advised him who I was, identified
22 myself, gave him my business card, told him why I
23 was there, explained to him by this coming next
24 week, there was going to be a warrant for his
25 arrest, explained to him what was going on, make

1 arrangements. I couldn't give him a specific on
2 what bond would be -- I gave him a general,
3 usually between 10 and 50,000 -- until I have the
4 warrant issued, but it's coming first of next
5 week. Start making arrangements to come turn
6 yourself in.

7 Q. Did you ask him anything about the facts
8 of the case or the allegations that were being
9 made?

10 A. The only comment I made other than that
11 about taking care of this was the fact that -- him
12 to get in contact with Nadine and let her know
13 she's got one coming, too.

14 Q. You didn't ever ask him anything with
15 respect to what his involvement in it was, how
16 that came about?

17 A. No. The only other comment that was
18 conversation was inside when he went to pick up a
19 package. The reason why I was there, Ms. Clark
20 had contacted me to let me know. After I had
21 gotten her statement -- I dropped off a statement
22 form for her, picked the statement form back up,
23 and had her contact me if he was going to pick up
24 a package, which she did.

25 While I was there, he went to pick it

1 television, whatever was going on.

2 Q. So nothing pertaining to Nancy Robinson
3 or Nadine Tozer or anybody involved?

4 A. No.

5 Q. You didn't say to him, was she worth it?

6 A. No.

7 Q. Okay. Now, in Investigator Shaw's
8 report, it says here that you told him that you
9 spoke with Doug on March 31st, 2015, the day prior
10 to the shooting incident, and advised him he had a
11 felony warrant that had been issued and needed to
12 turn himself in. Do you remember saying that to
13 Investigator Shaw?

14 A. I am Investigator Shaw.

15 Q. Excuse me. Investigator Shoemaker. I'm
16 sorry. It's getting all squirrely on me.

17 A. I remember talking to him several times,
18 yes, telling him, you know, we need to take care
19 of this, we need to take care of this.

20 Q. So you remember telling Investigator
21 Shoemaker that you spoke with Doug the day before
22 the shooting?

23 A. Yes. Yes.

24 MR. ROS: Chris, can we take a quick
25 break?